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\*SriSingam \*Rajan Thevar \*Paattum Naane \*Bhavamum  
NaaneCourt Blog: No link between judge's drug use before appointment  
The state Court of Appeal released Wednesday a ruling on the case of San Jose Municipal Court Judge David Sakai that received wide media attention in the spring. Sakai, who was appointed to the bench in 2011, was convicted in 2012 of misdemeanor charges of possessing a controlled substance and cocaine. His conviction was based on a sample of his urine that tested positive for a controlled substance that was diluted in his urine. Sakai had been cited for driving with a suspended license and was found by police officers who pulled over his car to be under the influence of alcohol. Sakai appealed his conviction and was granted a new trial, but shortly after his new trial began in February 2013, an inquiry into his fitness to serve was ordered. In February 2014, the California Commission on Judicial Performance publicly reported its finding that Sakai had abused alcohol and drugs and failed to maintain a "family-like home" and "character of life." Sakai was temporarily suspended from exercising his judicial duties. The California Supreme Court ruled in February 2014 that he would need to pay the public \$138,000. An investigation into Sakai continued until a report was released in May 2014, which concluded that Sakai did not engage in misconduct while serving on the bench. Sakai's legal team said during his trial that the state's inquiry had been biased and the judicial commission's inquiry into the case had violated Sakai's rights. "The judgment against Judge Sakai is void," the ruling states. "Sakai's conviction cannot stand because the trial court lacked subject matter jurisdiction, as well as personal jurisdiction over him. Furthermore, Sakai's trial was rendered fundamentally unfair

by two prejudicial errors by the trial court." The ruling states that the judge's conviction cannot stand for a number of reasons. It notes that the commission's inquiry was not "sufficiently definite," and therefore he was not given notice of the charges against him. The commission's investigation was "tainted with discrimination against Judge Sakai," it states. The commission's investigation also was "unduly suggestive" and "inconclusive," the ruling says. The commission investigation into Sakai was prompted by an anonymous complaint. That investigation, which took place despite Sakai being acquitted of all charges against him, was monitored by the California Attorney

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